

RECEIVED
CENTRAL FAX CENTER

MAR 30 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): William J. Gallagher

Appl. No.: 10/706,516

Confirm. No.: 7688

Filed: November 12, 2003

Title: DYNAMIC CODE GENERATION SYSTEM

PATENT APPLICATION

Art Unit: 2191

Examiner: Phillip H. Nguyen

Customer No. 23910

CERTIFICATE OF TRANSMISSION/MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being electronically transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.



(Attorney Signature)

Thomas K. Plunkett, Reg. No. 57,253

Signature Date: March 30, 2007

**TRANSMITTAL LETTER RE INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ As allowed under 37 C.F.R. § 1.98(a)(2)(ii), no copies of the U.S. patents and U.S. patent application publications are enclosed, unless required by the office.
- ☐ As allowed under 37 CFR §1.98(d), copies of cited documents noted with an asterisk are not enclosed because they were previously submitted in U.S. Patent Application No. ____/____, which is relied on for an earlier effective filing date under 35 USC §120, and which included an Information Disclosure Statement that complies with 37 CFR §1.98(a) through (c).

U.S. Patent Application No. 10/706,516
Attorney Docket No.: BEAS-01316US2
tplunkett/1316us2/1316us2_supp_IDS.wpd

- 1 -

104.001:012507
03/12/07-13:39

04/02/2007 HDESTR1 00000039 061325 10706516

01 FC:1806 180.00 DA

RECEIVED
CENTRAL FAX CENTER

MAR 30 2007

___ A copy of an International Search Report dated _____ for Application No. _____.

___ A copy of an International Preliminary Examination Report dated _____ for Application No. _____.

___ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(I). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

This statement should be considered because:

___ 37 C.F.R. §1.97(b). This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

✓ 37 C.F.R. §1.97(c). Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.
-- AND (check at least one of the following) --
___ (a) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
✓ (b) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

___ 37 C.F.R. §1.97(d). Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

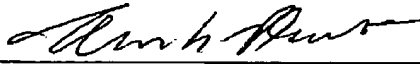
- (1) It is being filed on or before payment of the Issue Fee;
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

- **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.
- **37 C.F.R. §1.97(e)(1).** THE UNDERSIGNED ATTORNEY HEREBY STATES THAT each item of information contained in this *Information Disclosure Statement* was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this *Information Disclosure Statement*; or
- **37 C.F.R. §1.97(e)(2).** THE UNDERSIGNED ATTORNEY HEREBY STATES THAT no item of information contained in this *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this *Information Disclosure Statement* was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.
- ✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

FLIESLER MEYER LLP

Date: March 30, 2007

By: 
Thomas K. Plunkett
Reg. No. 57,253

Customer No. 23910
FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, California 94108
Telephone: (415) 362-3800

**RECEIVED
CENTRAL FAX CENTER**

MAR 30 2007

Sheet 1 of 1

Form PTO-1449 (Substitute)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number BEAS-01316US2	Application/Patent Number 10/706,516
<i>Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)</i>		Applicant/Patent Owner William J. Gallagher	
		Filing/Issue Date November 12, 2003	Group Art Unit 2191

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	1.	7,051,324	05/23/2006	Gissel	717	166	

U.S. PATENT PUBLICATIONS				
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
	2.	2004/0028031	02/12/2004	Valin

PENDING U.S. PATENT APPLICATIONS					
Examiner Initial		Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes No

FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Country Code	Publication Date	Class	Subclass	Trans- lation Yes No

NON-PATENT LITERATURE DOCUMENTS	
(Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, pages, volume-issue number(s), publisher, city and/ or country where published.	
<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> Examiner </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> Date Considered </div> <div style="font-size: x-small;"> <p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>*1 = Copy not submitted because it was submitted in prior application SN <u> / </u>, filed <u> </u>, 20<u> </u>, relied on under 35 USC §120.</p> <p>**2 = Copy not submitted because it was submitted in prior application SN <u> / </u>, filed <u> </u>, 20<u> </u>, relied on under 35 USC §120.</p> </div>	

U.S. Patent Application No. 10/706,516
Attorney Docket No.: BEAS-01316US2

- 4 -

tplunkett/1316us2/1316us2_supp_IDS.wpd

Examiner Signature: _____ Date Considered: _____